IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

WP(C).No. 34769 of 2007(L)

PETITIONER:

AHAMMED THAYYIL,AGED 39 YEARS
S/O.THAYYIL MOHAMMED HAJI
FLAT NO.C3,ROYAL APARTMENTS
PALAKKAD.

BY ADV. SRI.K.RAMAKUMAR
SRI.T.RAMPRASAD UNNI
SRI.R.JAYACHANDRAN

RESPONDENTS:

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1. THE TAHSILDAR (RR)
REVENUE RECOVERY OFFICE, PALAKKAD.

2. THE SYNDICATE BANK, T B ROAD
PALAKKAD, REPRESENTED BY THE BRANCH MANAGER.

BY ADV. SRI. BIJOY CHANDRAN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/11/2007, THE COURT ONTHE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

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W.P.(C)No. 34769 of 2007

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Dated this the 23rd day of November 2007

JUDGMENT

Petitioner challenges Ext.P1 notice issued by the Tahsildar (Revenue Recovery) proposing a revenue sale of the property belonging to the petitioner for recovery of the amounts due to the second respondent Bank. Standing counsel for the Bank, who entered appearance, submits that the petitioner had approached this Court on several occasions earlier and therefore no indulgence as such should be shown to the petitioner.

2. Learned counsel for the petitioner submits that the petitioner is willing to pay the amount due to the Bank and what is sought for is an indulgence by the Bank by granting some time for making the payment. The amount which is currently demanded by the Bank is Rs.5,71,129/= + interest and collection charges. Counsel for the petitioner also produced a copy of the notice issued by the Tahsildar posting the aforementioned dispute in the Revenue Adalath on 29.11.2007.

3. After having heard the learned counsel on both sides, the writ petition is disposed of directing the first respondent to adjourn

the sale of the property proposed under Ext.P1 by a period of two months provided the petitioner pays an amount of *Rs.2 lakhs* (Rupees Two Lakhs only) on or before 29.11.2007 to the second respondent. This facility is granted only to enable the resolution of the dispute in the Revenue Adalath. Further payment will be subject to the settlement, if any, that would be arrived at in the Revenue Adalath on 29.11.2007. If it is not possible to arrive at any such settlement, it will be open to the Bank to further proceed with the recovery of the balance amount due to them.

V.GIRI, JUDGE

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